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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,502	11/10/2003	Roger S. Wallace	RSW-001-A	7227
32226	7590	02/17/2005	EXAMINER	
NORTHERN MICHIGAN PATENT LAW, PLC			SWARTHOUT, BRENT	
801 S.GARFIELD AVE., #142			ART UNIT	PAPER NUMBER
TRAVERSE CITY, MI 49686			2636	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,502

Applicant(s)

WALLACE ET AL.

Examiner

Brent A Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-12-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. Claims 1-11 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 1 and 2 and claim 19, line 2 "such as" is indefinite.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-6 and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Task in view of Pieroway et al.

Task discloses a runway lighting fixture for installation at an aircraft landing site comprising visible light source 40 and non-visible light source 42/22 selectively activated by switch 54 for covert operation, except for specifically stating that the installation is permanent.

Pieroway discloses a similar runway lighting fixture system, whereby the lighting fixtures 14 are "permanently" connected to an AC power source (Figs. 1b and 1c).

It would have been obvious to utilize an AC source for permanent installation of a combined visual/non-visible lighting system as disclosed by Task, in order to prevent continuous replacement of power source when a lighting system would be in one place for a substantial period of time.

Regarding claim 2, housing 28 of Task is of a type normally used for incandescent lighting, but is modified to include filter 22 to give out IR.

Regarding claim 3, the addition of filter 22 to replace element 20 effectively replaces visual light with non-visible light.

Regarding claim 5, Task discloses use of two windows 20/22.

Regarding claim 6, Pieroway discloses attaching fixture 15 to some type of base including power attachments via posts 108/110 (Fig. 5, col. 6, line 29).

Regarding claim 10, Task and Pieroway teach use of battery power in fixtures.

Regarding claim 11, Task teaches use of manual actuator 54 (Fig. 3).

Regarding claims 13,14 and 16-18, the fixtures all appear similar, and placing filter 22 into fixture in Task would have been equivalent to replacing a non-covert light.

3. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Task in view of Pieroway et al. in view of Chen et al.

Chen discloses desirability in an airport lighting system of embedding a light base in the form of a can (Fig. 1) in the ground to support a light fixture above ground.

It would have been obvious to use a ground support base as suggested by Chen in conjunction with a lighting system as disclosed by Task and Pieroway, in


order to avoid damage to the main portion of the fixture due to aircraft strikes, thus allowing for inexpensive and quick replacement of damaged parts.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilhem, Schmidt, Bray, Walleston and Norman disclose aircraft/airport lighting systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brent A Swarthout
Examiner
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**